

REMARKS

In response to the Office Action dated March 19, 2009, applicant submits the following amendments and remarks. In a telephone conversation with the Examiner on March 4, 2009, Applicant's representative, Mr. David J. Goren elected Group 1 (claims 1-8, 13-18, 21-28, and 33-38). Claims 9-12, 19-20, 29-32, 39-40 have been withdrawn.

Specification

The specification stands objected to as allegedly failing to provide proper antecedent basis for the claimed subject matter. The applicant does not concede to this objection and wishes to turn the Office's attention to the applicant's Section 112 remarks.

Section 112 Rejections

Claims 21-28 and 33-38 stand rejected under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the written description requirement. The Office stated that the specification fails to provide support for the "data number identifier" and "a computer program tangibly embodied in an information carrier". (The applicant would like to point out to the Office that the claims do not feature a "data number identifier".) While the applicant does not concede to these rejections, claims 21 and 25 are amended to change "computer readable medium" to "computer readable storage device". Claims 33-38 are canceled.

Claims 5-8, 21-28 and 33-38 stand rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office stated that claims 5 and 25 recite the feature "if there is a matching packet policy specifying a second packet policy, processing the data packet based on the policy action fields of the second packet policy," but that it is unclear what will happen if there is no matching packet policy specifying a second packet policy. The applicant wishes to respectfully point out that lack of an alternative does not render a claim indefinite. Accordingly, this rejection is respectfully traversed.

The Office further rejected claims 21, 25, 33 and 37 stating that "[i]t is unclear whether the computer readable medium is associated with the data processing equipment or not." While

the applicant does not concede to these rejections, claims 21 and 25 are amended to change "computer readable medium" to "computer readable storage device". Claims 36-37 are canceled.

Section 101 Rejections

Claims 21-28 and 33-38 are rejected under 35 U.S.C. §101 for allegedly being directed to non-statutory subject matter. While the applicant does not concede to these rejections, claims 21 and 25 are amended to change "computer readable medium" to "computer readable storage device". Claims 33-38 are canceled.

Section 102 Rejections

Claims 1-8, 17-18, 21-28 and 37-38 are rejected under 35 U.S.C. §102 for allegedly being anticipated by Kadambi et al. (U.S. Patent No. 6,154,446) (hereafter "Kadambi"). The applicant respectfully disagrees.

Claims 1-4 and 21-24

Independent claim 1 recites in part (emphasis added), "each user defined packet policy specifying information for one or more of Layers 4 through 7 and being active during one or more specified date or time intervals."

Kadambi discloses a network switch wherein a switch that is configured "with rules that are appropriate to control packet processing." Kadambi, 4:30-33. Regarding the feature of policies being active during one or more specified date or time intervals, the Office relied on Kadambi 5:46-48 (emphasis added):

Each EPIC 20 has separate ingress and egress functions. On the ingress side, self-initiated and CPU-initiated learning of level 2 address information can occur. Address resolution logic is utilized to assist in this task. Address aging is built in as a feature, in order to eliminate the storage of address information which is no longer valid or useful.

The above-quoted text from Kadambi indicates that address information – not packet policies – are active during a specified period as part of the address resolution logic in Kadambi. Accordingly, claim 1 and its dependent claims are not anticipated by Kadambi. Claims 21-24 are in condition for allowance for at least the reasons given in connection with claim 1.

Claims 5-8 and 25-28

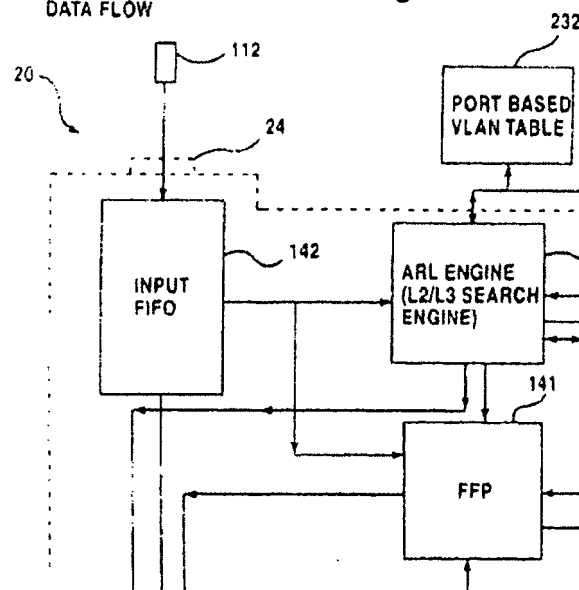
Independent claim 5 recites in part (emphasis added), “determining if there is a match between the data packet and one or more packet policies that specify a second packet policy to be applied to the matching data packets, the second packet policy having one or more policy action fields”

Regarding claim 5, the Office asserted the following:

determining if there is a match between the data packet and one or more packet policies that specify a second packet policy to be applied to the matching data packets, the second packet policy having one or more policy action fields [FIG. 14, ARL/L3 Tables and Rules Tables; col. 16 line 9 through col. 21 line 57. Note that the ARL engine matches the first packet policy using ARL/L3 Tables and the Fast Filtering Processor matches the second packet policy using Rules Tables];

As shown below in the FIG. 14 of Kadambi, a packet 112 is received at input port 24 of Ethernet Port Interface Controller (EPIC) 20. The packet is then directed to input FIFO 142. As soon as the first 16 bytes of the packet 112 arrive in the input FIFO 142, an address resolution request is sent to Address Resolution Logic (ARL) engine 143; this initiates lookup in ARL/L3 tables 21. Kadambi, 16:8-21.

Fig.14



As soon as the first 64 bytes of the packet 112 arrive in input FIFO 142, a filtering request is sent to Fast Filtering Processor (FFP) 141. FFP 141 is a filtering mechanism which enables the switch 10 to set inclusive and exclusive filters on any field of a packet from layer 2 to layer 7 of the OSI seven layer model. Filters are used for packet classification based upon a protocol fields in the packets. Various actions are taken based upon the packet classification, including packet discard, sending of the packet to the CPU, sending of the packet to other ports, sending the packet on certain COS priority queues, changing the type of service (TOS) precedence. The exclusive filter is primarily used for implementing security features, and allows a packet to proceed only if there is a filter match. If there is no match, the packet is discarded. Kadambi, 19:49-54.

Assuming for argument's sake that a looked-up entry in an ARL/L3 tables 21 is a packet policy (which it is not), the fields of the table entry (*see* Kadambi 16:22-18:3) do not specify a filter (which the Office has analogized to the second packet policy of claim 5). In contrast, the request sent by the FIFO only initiates filter processing but does not specify a filter.

Applicant : Christopher H. Claudatos et al.
Serial No. : 10/650,457
Filed : August 27, 2003
Page : 14 of 15

Attorney's Docket No.: 14160-0010001

Accordingly, claim 5 and its dependent claims are not anticipated by Kadambi. Claims 25-28 are in condition for allowance for at least the same reasons.

Claims 17-18 and 37-38

These claims are canceled.

Section 103 Rejections

Claims 13-16 and 33-36 are rejected under 35 U.S.C. §103(a) for allegedly being unpatentable over Kadambi as applied to claim 1 above, and further in view of Markham (U.S. Publication No. 2003/0126468) (hereafter "Markham").

Claims 13-16 and 33-36

These claims are canceled.

Applicant : Christopher H. Claudatos et al.
Serial No. : 10/650,457
Filed : August 27, 2003
Page : 15 of 15

Attorney's Docket No.: 14160-0010001

Conclusion

By responding in the foregoing remarks only to particular positions taken by the examiner, the Applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, the Applicant's arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist. Finally, the applicant's decision to amend or cancel any claim should not be understood as implying that the applicant agrees with any positions taken by the examiner with respect to that claim or other claims.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

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